

§ 22.29 [Amended]

7. Section 22.29 is amended by changing "section 818(a)" to read "section 812(a) of the Act or section 1407(d) of the Victims of Crime Act."

§§ 22.20, 22.23, 22.24, 22.26, and 22.29 [Amended]

8. Sections 22.20, 22.23, 22.24, 22.26 and 22.29 are amended by changing the acronym "LEAA" to "BJA" and the acronym "OJARS" to "OJP" and by inserting "OJDP," after "BJA," in the following places:

- (a) 28 CFR 22.20(a);
- (b) 28 CFR 22.23(a) and (b)(6);
- (c) 28 CFR 22.24;
- (d) 28 CFR 22.26(b); and
- (e) 28 CFR 22.29.

Dated: February 19, 1986.

Lois Haight Herrington,
Assistant Attorney General, Office of Justice Programs.

[FR Doc. 86-3957 Filed 2-21-86; 8:45 am]

BILLING CODE 4410-18-M

DEPARTMENT OF THE TREASURY**Fiscal Service****31 CFR Part 317****Regulations Governing Agencies for Issue of United States Savings Bonds**

AGENCY: Bureau of the Public Debt, Fiscal Service, Treasury.

ACTION: Final rule.

SUMMARY: The regulations published by the Bureau of the Public Debt governing agencies that issue United States Savings Bonds provide, at § 317.8, that such agencies shall remit bond sales proceeds promptly in accordance with instructions issued by the Department of the Treasury. The instructions are set forth in the Appendix to § 317.8, published in conjunction with the regulations. In the interest of improved cash management, the Appendix is being revised to provide that the remittance of sales proceeds be made in immediately available funds.

DATE: June 24, 1986.

FOR FURTHER INFORMATION CONTACT: Dean A. Adams, Assistant Chief Counsel, or Susan J. Klimas, Attorney-Adviser, Bureau of the Public Debt, Savings Bond Operations Office, Parkersburg, WV 26101 (304) 420-6506.

SUPPLEMENTARY INFORMATION: The regulations governing agencies for the issue of United States Savings Bonds (31 CFR Part 317), at § 317.8, require that issuing agents remit "promptly" all bond

sales proceeds. The Appendix to § 317.8 specifies the ways in which the sales proceeds should be remitted: (1) By check, or (2) by charge to a reserve account at a Federal Reserve Bank. Also, agents that are note option Treasury tax and loan depositories are permitted to remit by credit to the tax and loan account.

The above authorization is being modified to specify that payments be made in "immediately available funds," and, in the case of issuing agents that are financial institutions, to preclude payment by them to the Department of the Treasury, or its fiscal agents, by ordinary check. Upon implementation of the rule, payment must be made by financial institutions by a charge to a reserve account at a Federal Reserve Bank, or by credit to a tax and loan account, as currently authorized, or by one of three other forms of remittance that permit immediate collection.

In the case of issuing agents that are not financial institutions, the rule admonishes them to submit sales proceeds in immediately available funds.

Procedural Requirements

This rule is not considered a "major rule" for purposes of Executive Order 12291. A regulatory impact analysis, therefore, is not required.

The notice and public procedures of the Administrative Procedure Act are inapplicable pursuant to 5 U.S.C. 553(a)(2). As no notice of proposed rulemaking is required, the provisions of the Regulatory Flexibility Act (5 U.S.C. 601, *et seq.*) do not apply.

List of Subjects in 31 CFR Part 317

Banks and banking, Federal Reserve System, Government securities.

Dated: February 13, 1986.

Gerald Murphy,
Acting Fiscal Assistant Secretary.

PART 317—[AMENDED]

For the reasons set out in the summary, Part 317 of Chapter II, Subchapter B, Title 31 of the Code of Federal Regulations, is hereby amended, as set forth below:

1. The authority citation for Part 317 continues to read as follows:

Authority: Sec. 22, 49 Stat. 21, as amended; 31 U.S.C. 757c.

§ 317.8 [Amended]

2. The appendix to § 317.8 is amended by adding paragraphs (f), (g), and (h) to

Subpart A, 2. *Definition of terms* and by revising 4. *Forms of remittance* of Subpart A, to read as follows:

Appendix to § 317.8—Remittance of Sales Proceeds, Department of the Treasury Circular, Public Debt Series No. 4-67, Revised (31 CFR Part 317), Fiscal Service, Bureau of the Public Debt

Subpart A—General Information

2. *Definition of terms.* As used in this appendix:

(f) "Immediately available funds" are remittances of funds which are available for the use by the Department of the Treasury immediately upon receipt by the Department or its fiscal agents, and include, but are not limited to:

- (1) A charge to the remitter's (or a correspondent depository institution's) reserve account with a Federal Reserve Bank;
- (2) A credit to the tax and loan account of an agent which is a note option Treasury tax and loan depository, subject to the provisions of § 203.9 of Department of the Treasury Circular No. 92, as revised (31 CFR Part 203), the regulations governing Treasury Tax and Loan Depositories;

- (3) A Federal funds check;
 - (4) A United States Government check; or
 - (5) A postal money order.
- (g) "Financial institutions" refers to banks, trust companies, credit unions, and savings institutions chartered by or incorporated under the laws of the United States, or those of any State or Territory of the United States, the District of Columbia, or the Commonwealth of Puerto Rico.

(h) "Nonfinancial institutions" refers to any issuing agent not described under (g), above.

4. *Forms of remittance.* Issuing agents shall remit sales proceeds in timely fashion as follows:

- (a) Issuing agents which are financial institutions must remit in immediately available funds.
- (b) Issuing agents which are nonfinancial institutions should remit in immediately available funds.
- (c) The Commissioner of the Public Debt, as designee of the Secretary of the Treasury, may waive or modify this provision. The Commissioner may do so in any particular case or class of cases for the convenience of the United States or in order to relieve any agent of agents of unusual hardship: (1) If such action would not be inconsistent with law or equity, (2) if it does not impair any existing rights, and (3) if the Commissioner is satisfied that such action would not subject the United States to any substantial expense or liability.

[FR Doc. 86-3741 Filed 2-21-86; 8:45 am]

BILLING CODE 4810-10-M

LIBRARY OF CONGRESS

Copyright Office

37 CFR Part 202

[Docket RM 84-2]

Copyright Deposit Requirements

AGENCY: Copyright Office, Library of Congress.

ACTION: Final regulations.

SUMMARY: This notice is issued to inform the public that the Copyright Office of the Library of Congress is amending 37 CFR 202.19, 202.20, and 202.21 of its regulations. Those regulations implement portions of sections 407 and 408 of the Copyright Act of 1976, title 17 of the U.S. Code. Those sections embody the deposit requirements for the benefit of the Library of Congress and for copyright registration. The amendments revise certain requirements governing such deposits.

EFFECTIVE DATE: February 24, 1986.

FOR FURTHER INFORMATION CONTACT: Dorothy Schrader, General Counsel, Copyright Office, Library of Congress, Washington, D.C. 20540, (202) 287-8380.

SUPPLEMENTARY INFORMATION: Under 17 U.S.C. 407 the owner of copyright, or of the exclusive right of publication, in a work published with notice of copyright in the United States is required to deposit copies of the work in the Copyright Office for the use or disposition of the Library of Congress. Section 408 of the statute also requires deposit of material in connection with applications for copyright registration of published and unpublished works.

On September 18, 1978, the Copyright Office published in the *Federal Register* (43 FR 41975) final regulations implementing the deposit requirements of sections 407 and 408. The Office decided, however, on the basis of its experience with the deposit regulations over the past several years, that a number of amendments were needed to liberalize, clarify or, in limited instances, expand the requirements. Proposed amendments to the deposit regulations were published in the *Federal Register* on February 14, 1985 (50 FR 6208) for public comment. The Copyright Office received eight comment letters from the public addressing the proposed amendments.

1. Multimedia kits.

One comment suggested a more liberal approach in § 202.19(d)(2)(ii) to allow use of the Motion Picture Agreement for motion pictures deposited as parts of multimedia kits.

There are substantial handling and processing procedures associated with multimedia kits which would be further complicated by making the Agreement applicable to part of the kit. Furthermore, the application of the Agreement to motion pictures that comprise a part of multimedia kits would render the kits useless for Library purposes.

Another comment noted the deletion of the "systematic instructional" limitation on the single-copy deposit of published multimedia kits for registration in § 202.20(c)(2)(i)(F), and questioned the lack of a similar deletion in § 202.19(d)(2)(vi). The deletion was inadvertent and the change has been made in the final regulation.

2. Use of Mandatory Deposit to Satisfy Registration Requirements.

Two comments objected to the Office's stated intention to apply more strictly the requirement in § 202.19(f)(1) that all copyright deposits must be accompanied by an application and fee to be considered to satisfy the deposit provisions for registration under section 408. The first comment referred to motion picture industry practices, and stated that the Office's policy is inconsistent with the industry practice of permitting local film exchanges to make motion picture deposits while at the same time allowing studio attorneys to prepare the required paper work. A narrow exception was requested for the deposit of motion pictures.

The second comment had similar objections with respect to books and journals. Copies are often forwarded to the Copyright Office from "geographically and logistically separate" locations from where the applications are completed. If copyright owners are required to have deposits strictly accompany registration applications, it was argued, some publishers may be forced to forego registration. Both comments also maintained that workflow, administrative procedures and expenses would be increased by the strict requirement that deposits accompany applications.

The Office intends to construe strictly the requirement that the deposit be "accompanied by the prescribed application and fee." It was believed that when the 1976 Act became effective the public needed time to become familiar with the new law and to change mailing procedures. The "accompanied by" requirement was, therefore, interpreted liberally. However, the volume of registration material sent separately has increased and the impact on workflow has been significant. The efficiency of the automation procedures

being instituted in the Copyright Office has likewise been impaired. For these reasons, the Office intends to apply more strictly the requirement of 17 U.S.C. 408(b) that one deposit may satisfy the requirements of both 17 U.S.C. 407 and 408 only if a deposit is "accompanied by the prescribed application and fee."

3. Computer Programs Embodied in Machine-readable Copies.

Two comments suggested the addition of the term "semiconductor chip products" to § 202.20(c)(2)(vii), which relates to the forms of machine-readable copies embodying computer programs. In keeping with that suggestion we have added "semiconductor chip products" to § 202.20(c)(2)(vii) in the final regulations as an example of a machine-readable copy in which a computer program may be embodied.

4. Deposit of "Identifying Portions" of Computer Programs.

Two comments addressed the required deposit for revised computer programs. The first suggested an alternative definition for the term "identifying portions" in § 202.20(c)(2)(vii)(A), that would allow the deposit of any 50 pages of representative material for all computer programs. It was maintained that because computer programs have a modular structure, with one or more major components and numerous subprograms and subroutines often longer and more complex than the main program itself, copyright owners should be permitted to submit a portion of each module as identifying material for the program.

The Office has decided, however, to retain the current required deposit of the first and last 25 pages or equivalent units for original versions and, where revisions do not occur within the first and last 25 pages, any 50 representative pages for revised programs. For examining purposes, the first and last 25 pages are optimal since they contain the table of contents and other material describing the program, and also indicate the program's length. The final regulations, however, do contain the additional specification not in the proposed regulations that, for programs of 50 pages or less, deposit of the entire work is required.

The other comment on this provision expressed concern that revised computer programs and programs with confidential matter would receive less favorable special relief treatment than original versions. It is not the Office's intention, however, to favor any type of program in the granting of special relief.

5. Copies Containing Both Visually-perceptible and Machine-readable Material.

The heading of § 202.20(c)(2)(ix), that was entitled "Works with visually-perceptible and machine-readable copies" in the proposed regulations, has been changed to "Copies containing both visually-perceptible and machine-readable materials," in an attempt to clarify the type of material to which it applies since two comments indicated uncertainty as to the requisite deposit. The first questioned whether deposit of the actual diskette was required. The second comment assumed that the deposit consists of a copy of a manual, for example, and a listing or printout from a diskette, and that the diskette itself is not required.

By way of explanation, where a published literary work is embodied in copies containing both visually-perceptible and machine-readable material, § 202.20(c)(2)(ix) requires the deposit of both the visually-perceptible material and identifying material for the machine-readable portions, such as the first and last 25 pages of a computer program; deposit of the diskette itself is not required.

The second comment also raised questions about the required deposit where registration for only part of a work is sought. The deposit must, in any event, comply with the complete copy requirement of § 202.20(b)(2)(ii).

6. Non-viewable Copies of Motion Pictures Submitted for Copyright Registration.

The proposed regulations provided that for motion pictures and phonorecords in formats that cannot be examined on equipment in the Examining Division of the Copyright Office, the deposit be accompanied by a description which includes enough information to enable the Examining Division to determine copyrightability. Two comments argued that the Office's treatment of non-viewable motion pictures and non-playable phonorecords is inconsistent with registration of claims to copyright in computer programs under the rule of doubt where the deposit consists of object code, because in each case the Office cannot "read" the deposit; yet in the case of motion pictures and phonorecords, depositors are allowed to deposit identifying material. To be consistent, the comments stated that the Office should permit the use of alternate means to identify the copyrightable content of computer programs.

In most cases, the reason object code is deposited is to preserve possible trade secret protection that might be in the program. A proceeding is presently

pending concerning the deposit of computer programs and other works containing trade secrets (48 FR 22951) and commentators will have the opportunity to make their positions known on these issues in connection with that proceeding.

7. Registration and Deposit of Databases.

The Office also received comments related to the registration and deposit of databases, which have not been included as part of these amended regulations. A separate Notice of Inquiry has been issued, specifically limited to this rapidly developing technology of storing and retrieving information. See 50 FR 24240 (June 10, 1985). Accordingly, the feasibility of group and other registration of databases is presently under review and will be the subject of a separate rulemaking.

8. Regulatory Flexibility Act Statement.

With respect to the Regulatory Flexibility Act, the Copyright Office takes the position that this Act does not apply to Copyright Office rulemaking. The Copyright Office is a department of the Library of Congress and is part of the legislative branch. Neither the Library of Congress nor the Copyright Office is an "agency" within the meaning of the Administrative Procedure Act of June 11, 1946, as amended (title 5 Chapter 5 of the U.S. Code, Subchapter II and Chapter 7). The Regulatory Flexibility Act consequently does not apply to the Copyright Office since that Act affects only those entities of the Federal Government that are agencies as defined in the Administrative Procedure Act.¹

Alternatively, if it is later determined by a court of competent jurisdiction that the Copyright Office is an "agency" subject to the Regulatory Flexibility Act, the Register of Copyrights has determined and hereby certifies that this regulation will have no significant impact on small businesses.

List of Subjects in 37 CFR Part 202

Claims, Claims to copyright, Copyright, Registration requirements.

¹ The Copyright Office was not subject to the Administrative Procedure Act before 1978, and it is now subject to it only in areas specified by section 701(d) of the Copyright Act (i.e., "all actions taken by the Register of Copyrights under this title [17]," except with respect to the making of copies of copyright deposits). [17 U.S.C. 706(b)]. The copyright Act does not make the Office an "agency" as defined in the Administrative Procedure Act. For example, personnel actions taken by the Office are not subject to APA-FOIA requirements.

Final Regulations

PART 202—[AMENDED]

In consideration of the foregoing, Part 202 of 37 CFR, Chapter II is amended in the manner set forth below.

1. The authority citation for Part 202 is revised to read as follows:

Authority: Sec. 702, 90 Stat. 2541, 17 U.S.C. 702; §§ 202.19, 202.20 and 202.21 are also issued under 17 U.S.C. 407 and 408.

2. Sections 202.19, 202.20, and 202.21 are revised to read as follows:

§ 202.19 Deposit of published copies or phonorecords for the Library of Congress.

(a) *General.* This section prescribes rules pertaining to the deposit of copies and phonorecords of published works for the Library of Congress under section 407 of title 17 of the United States Code, as amended by Pub. L. 94-553. The provisions of this section are not applicable to the deposit of copies and phonorecords for purposes of copyright registration under section 408 of title 17, except as expressly adopted in § 202.20 of these regulations.

(b) *Definitions.* For the purposes of this section:

(1) (i) The "best edition" of a work is the edition, published in the United States at any time before the date of deposit, that the Library of Congress determines to be most suitable for its purposes.

(ii) Criteria for selection of the "best edition" from among two or more published editions of the same version of the same work are set forth in the statement entitled "Best Edition of Published Copyrighted Works for the Collections of the Library of Congress" (hereafter referred to as the "Best Edition Statement") in effect at the time of deposit. Copies of the Best Edition Statement are available upon request made to the Deposits and Acquisitions Division of the Copyright Office.

(iii) Where no specific criteria for the selection of the "best edition" are established in the Best Edition Statement, that edition which, in the judgment of the Library of Congress, represents the highest quality for its purposes shall be considered the "best edition". In such cases:

(A) When the Copyright Office is aware that two or more editions of a work have been published it will consult with other appropriate officials of the Library of Congress to obtain instructions as to the "best edition" and (except in cases for which special relief is granted) will require deposit of that edition; and

(B) When a potential depositor is uncertain which of two or more published editions comprises the "best edition", inquiry should be made to the Deposits and Acquisitions Division of the Copyright Office.

(iv) Where differences between two or more "editions" of a work represent variations in copyrightable content, each edition is considered a separate version, and hence a different work, for the purpose of this section, and criteria of "best edition" based on such differences do not apply.

(2) A "complete" copy includes all elements comprising the unit of publication of the best edition of the work, including elements that, if considered separately, would not be copyrightable subject matter or would otherwise be exempt from mandatory deposit requirements under paragraph (c) of this section. In the case of sound recordings, a "complete" phonorecord includes the phonorecord, together with any printed or other visually perceptible material published with such phonorecord (such as textual or pictorial matter appearing on record sleeves or album covers, or embodied in leaflets or booklets included in a sleeve, album, or other container). In the case of a musical composition published in copies only, or in both copies and phonorecords:

(i) If the only publication of copies in the United States took place by the rental, lease, or lending of a full score and parts, a full score is a "complete" copy; and

(ii) If the only publication of copies in the United States took place by the rental, lease, or lending of a conductor's score and parts, a conductor's score is a "complete" copy.

In the case of a motion picture, a copy is "complete" if the reproduction of all of the visual and aural elements comprising the copyrightable subject matter in the work is clean, undamaged, undeteriorated, and free of splices, and if the copy itself and its physical housing are free of any defects that would interfere with the performance of the work or that would cause mechanical, visual, or audible defects or distortions.

(3) The terms "copies," "collective work," "device," "fixed," "literary work," "machine," "motion picture," "phonorecord," "publication," "sound recording," and "useful article," and their variant forms, have the meanings given to them in section 101 of title 17.

(4) "Title 17" means title 17 of the United States Code, as amended by Pub. L. 94-553.

(c) *Exemptions from deposit requirements.* The following categories

of material are exempt from the deposit requirements of section 407(a) of title 17:

(1) Diagrams and models illustrating scientific or technical works or formulating scientific or technical information in linear or three-dimensional form, such as an architectural or engineering blueprint, plan, or design, a mechanical drawing, or an anatomical model.

(2) Greeting cards, picture postcards, and stationery.

(3) Lectures, sermons, speeches, and addresses when published individually and not as a collection of the works of one or more authors.

(4) Literary, dramatic, and musical works published only as embodied in phonorecords. This category does not exempt the owner of copyright, or of the exclusive right of publication, in a sound recording resulting from the fixation of such works in a phonorecord from the applicable deposit requirements for the sound recording.

(5) Literary works, including computer programs and automated databases, published in the United States only in the form of machine-readable copies (such as magnetic tape or disks, punched cards, or the like) from which the work cannot ordinarily be visually perceived except with the aid of a machine or device. Works published in a form requiring the use of a machine or device for purposes of optical enlargement (such as film, filmstrips, slide films and works published in any variety of microform), and works published in visually perceivable form but used in connection with optical scanning devices, are not within this category and are subject to the applicable deposit requirements.

(6) Three-dimensional sculptural works, and any works published only as reproduced in or on jewelry, dolls, toys, games, plaques, floor coverings, wallpaper and similar commercial wall coverings, textiles and other fabrics, packaging material, or any useful article. Globes, relief models, and similar cartographic representations of area are not within this category and are subject to the applicable deposit requirements.

(7) Prints, labels, and other advertising matter, including catalogs, published in connection with the rental lease, lending, licensing, or sale of articles of merchandise, works of authorship, or services.

(8) Tests, and answer material for tests when published separately from other literary works.

(9) Works first published as individual contributions to collective works. This category does not exempt the owner of copyright, or of the exclusive right of publication, in the collective work as a

whole, from the applicable deposit requirements for the collective work.

(10) Works first published outside the United States and later published in the United States without change in copyrightable content, if:

(i) Registration for the work was made under 17 U.S.C. 408 before the work was published in the United States; or

(ii) registration for the work was made under 17 U.S.C. 408 after the work was published in the United States but before a demand for deposit is made under 17 U.S.C. 407(d).

(11) Works published only as embodied in a soundtrack that is an integral part of a motion picture. This category does not exempt the owner of copyright, or of the exclusive right of publication, in the motion picture, from the applicable deposit requirements for the motion picture.

(12) Motion pictures that consist of television transmission programs and that have been published, if at all, only by reason of a license or other grant to a nonprofit institution of the right to make a fixation of such programs directly from a transmission to the public, with or without the right to make further uses of such fixations.

(d) *Nature of required deposit.* (1) Subject to the provisions of paragraph (d)(2) of this section, the deposit required to satisfy the provisions of section 407(a) of title 17 shall consist of:

(i) In the case of published works other than sound recordings, two complete copies of the best edition; and

(ii) In the case of published sound recordings, two complete phonorecords of the best edition.

(2) In the case of certain published works not exempt from deposit requirements under paragraph (c) of this section, the following special provisions shall apply:

(i) In the case of published three-dimensional cartographic representations of area, such as globes and relief models, the deposit of one complete copy of the best edition of the work will suffice in lieu of the two copies required by paragraph (d)(1) of this section.

(ii) In the case of published motion pictures, the deposit of one complete copy of the best edition of the work will suffice in lieu of the two copies required by paragraph (d)(1) of this section. Any deposit of a published motion picture must be accompanied by a separate description of its contents, such as a continuity, pressbook, or synopsis. The Library of Congress may, at its sole discretion, enter into an agreement permitting the return of copies of published motion pictures to the

depositor under certain conditions and establishing certain rights and obligations of the Library with respect to such copies. In the event of termination of such an agreement by the Library it shall not be subject to reinstatement, nor shall the depositor or any successor in interest of the depositor be entitled to any similar or subsequent agreement with the Library, unless at the sole discretion of the Library it would be in the best interests of the Library to reinstate the agreement or enter into a new agreement.

(iii) In the case of any published work deposited in the form of a hologram, the deposit shall be accompanied by: (A) Two sets of precise instructions for displaying the image fixed in the hologram; and (B) two sets of identifying material in compliance with § 202.21 of these regulations and clearly showing the displayed image.

(iv) In any case where an individual author is the owner of copyright in a published pictorial or graphic work and (A) less than five copies of the work have been published, or (B) the work has been published and sold or offered for sale in a limited edition consisting of no more than three hundred numbered copies, the deposit of one complete copy of the best edition of the work or, alternatively, the deposit of photographs or other identifying material in compliance with § 202.21 of these regulations, will suffice in lieu of the two copies required by paragraph (d)(1) of this section.

(v) In the case of a musical composition published in copies only, or in both copies and phonorecords, if the only publication of copies in the United States took place by rental, lease, or lending, the deposit of one complete copy of the best edition will suffice in lieu of the two copies required by paragraph (d)(1) of this section.

(vi) In the case of published multimedia kits, that include literary works, audiovisual works, sound recordings, or any combination of such works, the deposit of one complete copy of the best edition will suffice in lieu of the two copies required by paragraph (d)(1) of this section.

(e) *Special relief.* (1) In the case of any published work not exempt from deposit under paragraph (c) of this section, the Register of Copyrights may, after consultation with other appropriate officials of the Library of Congress and upon such conditions as the Register may determine after such consultation:

(i) Grant an exemption from the deposit requirements of section 407(a) of title 17 on an individual basis for single works or series or groups of works; or

(ii) permit the deposit of one copy or phonorecord, or alternative identifying material, in lieu of the two copies or phonorecords required by paragraph (d)(1) of this section; or

(iii) permit the deposit of incomplete copies or phonorecords, or copies or phonorecords other than those normally comprising the best edition; or

(iv) permit the deposit of identifying material which does not comply with § 202.21 of these regulations.

(2) Any decision as to whether to grant such special relief, and the conditions under which special relief is to be granted, shall be made by the Register of Copyrights after consultation with other appropriate officials of the Library of Congress, and shall be based upon the acquisition policies of the Library of Congress then in force.

(3) Requests for special relief under this paragraph shall be made in writing to the Chief, Deposits and Acquisitions Division of the Copyright Office, shall be signed by or on behalf of the owner of copyright or of the exclusive right of publication in the work, and shall set forth specific reasons why the request should be granted.

(4) The Register of Copyrights may, after consultation with other appropriate officials of the Library of Congress, terminate any ongoing or continuous grant of special relief. Notice of termination shall be given in writing and shall be sent to the individual person or organization to whom the grant of special relief had been given, at the last address shown in the records of the Copyright Office. A notice of termination may be given at any time, but it shall state a specific date of termination that is at least 30 days later than the date the notice is mailed. Termination shall not affect the validity of any deposit made earlier under the grant of special relief.

(f) *Submission and receipt of copies and phonorecords.* (1) All copies and phonorecords deposited in the Copyright Office will be considered to be deposited only in compliance with section 407 of title 17 unless they are accompanied by an application for registration of a claim to copyright in the work represented by the deposit, and either a registration fee or a deposit account number on the application. Copies or phonorecords deposited without such an accompanying application and either a fee or a deposit account notation will not be connected with or held for receipt of separate applications, and will not satisfy the deposit provisions of section 408 of title 17 or § 202.20 of these regulations.

(2) All copies and phonorecords deposited in the Copyright Office under

section 407 of title 17, unless accompanied by written instructions to the contrary, will be considered to be deposited by the person or persons named in the copyright notice on the work.

(3) Upon request by the depositor made at the time of the deposit, the Copyright Office will issue a certificate of receipt for the deposit of copies or phonorecords of a work under this section. Certificates of receipt will be issued in response to requests made after the date of deposit only if the requesting party is identified in the records of the Copyright Office as having made the deposit. In either case, requests for a certificate of receipt must be in writing and accompanied by a fee of \$2. A certificate of receipt will include identification of the depositor, the work deposited, and the nature and format of the copy or phonorecord deposited, together with the date of receipt.

§ 202.20 Deposit of copies and phonorecords for copyright registration.

(a) *General.* This section prescribes rules pertaining to the deposit of copies and phonorecords of published and unpublished works for the purpose of copyright registration under section 408 of title 17 of the United States Code, as amended by Pub. L. 94-553. The provisions of this section are not applicable to the deposit of copies and phonorecords for the Library of Congress under section 407 of title 17, except as expressly adopted in § 202.19 of these regulations.

(b) *Definitions.* For the purposes of this section:

(1) The "best edition" of a work has the meaning set forth in § 202.19(b)(1) of these regulations.

(2) A "complete" copy or phonorecord means the following:

(i) *Unpublished works.* Subject to the requirements of paragraph (b)(2)(vi) of this section, a "complete" copy or phonorecord of an unpublished work is a copy or phonorecord representing the entire copyrightable content of the work for which registration is sought;

(ii) *Published works.* Subject to the requirements of paragraphs (b)(2)(iii) through (vi) of this section, a "complete" copy or phonorecord of a published work includes all elements comprising the applicable unit of publication of the work, including elements that, if considered separately, would not be copyrightable subject matter. However, even where certain physically separable elements included in the applicable unit of publication are missing from the deposit, a copy or phonorecord will be

considered "complete" for purposes of registration where:

(A) The copy or phonorecord deposited contains all parts of the work for which copyright registration is sought; and

(B) The removal of the missing elements did not physically damage the copy or phonorecord or garble its contents; and

(C) The work is exempt from the mandatory deposit requirements under section 407 of title 17 of the United States Code and § 202.19(c) of these regulations, or the copy deposited consists entirely of a container, wrapper, or holder, such as an envelope, sleeve, jacket, slipcase, box, bag, folder, binder, or other receptacle acceptable for deposit under paragraph (c)(2) of this section;

(iii) *Contributions to collective works.* In the case of a published contribution to a collective work, a "complete" copy or phonorecord is the entire collective work including the contribution or, in the case of a newspaper, the entire section including the contribution;

(iv) *Sound recordings.* In the case of published sound recordings, a "complete" phonorecord has the meaning set forth in § 202.19(b)(2) of these regulations;

(v) *Musical scores.* In the case of a musical composition published in copies only, or in both copies and phonorecords:

(A) If the only publication of copies took place by the rental, lease, or lending of a full score and parts, a full score is a "complete" copy; and

(B) If the only publication of copies took place by the rental, lease, or lending of a conductor's score and parts, a conductor's score is a "complete" copy;

(vi) *Motion pictures.* In the case of a published or unpublished motion picture, a copy is "complete" if the reproduction of all of the visual and aural elements comprising the copyrightable subject matter in the work is clean, undamaged, undeteriorated, and free of splices, and if the copy itself and its physical housing are free of any defects that would interfere with the performance of the work or that would cause mechanical, visual, or audible defects or distortions.

(3) The terms "copy," "collective work," "device," "fixed," "literary work," "machine," "motion picture," "phonorecord," "publication," "sound recording," "transmission program," and "useful article," and their variant forms, have the meanings given to them in section 101 of title 17.

(4) A "secure test" is a nonmarketed test administered under supervision at

specified centers on specific dates, all copies of which are accounted for and either destroyed or returned to restricted locked storage following each administration. For these purposes a test is not marketed if copies are not sold but it is distributed and used in such a manner that ownership and control of copies remain with the test sponsor or publisher.

(5) "Title 17" means title 17 of the United States Code, as amended by Pub. L. 94-553.

(6) For the purposes of determining the applicable deposit requirements under this § 202.20 only, the following shall be considered as unpublished motion pictures: motion pictures that consist of television transmission programs and that have been published, if at all, only by reason of a license or other grant to a nonprofit institution of the right to make a fixation of such programs directly from a transmission to the public, with or without the right to make further uses of such fixations.

(c) *Nature of required deposit.* (1) Subject to the provisions of paragraph (c)(2) of this section, the deposit required to accompany an application for registration of claim to copyright under section 408 of title 17 shall consist of:

(i) In the case of unpublished works, one complete copy or phonorecord.

(ii) In the case of works first published in the United States before January 1, 1978, two complete copies or phonorecords of the work as first published.

(iii) In the case of works first published in the United States on or after January 1, 1978, two complete copies or phonorecords of the best edition.

(iv) In the case of works first published outside of the United States, whenever published, one complete copy or phonorecord of the work as first published. For the purposes of this section, any works simultaneously first published within and outside of the United States shall be considered to be first published in the United States.

(2) In the case of certain works, the special provisions set forth in this clause shall apply. In any case where this clause specifies that one copy or phonorecord may be submitted, that copy or phonorecord shall represent the best edition, or the work as first published, as set forth in paragraph (c)(1) of this section.

(i) *General.* In the following cases the deposit of one complete copy or phonorecord will suffice in lieu of two copies or phonorecords:

(A) Published three-dimensional cartographic representations of area, such as globes and relief models;

(B) Published diagrams illustrating scientific or technical works or formulating scientific or technical information in linear or other two-dimensional form, such as an architectural or engineering blueprint, or a mechanical drawing;

(C) Published greeting cards, picture postcards, and stationery;

(D) Lectures, sermons, speeches, and addresses published individually and not as a collection of the works of one or more authors;

(E) Musical compositions published in copies only, or in both copies and phonorecords, if the only publication of copies took place by rental, lease, or lending;

(F) Published multimedia kits or any part thereof;

(G) Works exempted from the requirement of depositing identifying material under paragraph (c)(2)(xi)(B)(5) of this section;

(H) Literary, dramatic, and musical works published only as embodied in phonorecords, although this category does not exempt the owner of copyright in a sound recording;

(I) Choreographic works, pantomimes, literary, dramatic, and musical works published only as embodied in motion pictures;

(J) Published works in the form of two-dimensional games, decals, fabric patches or emblems, calendars, instructions for needle work, needle work and craft kits; and

(K) Works reproduced on three-dimensional containers such as boxes, cases, and cartons.

(ii) *Motion pictures.* In the case of published or unpublished motion pictures, the deposit of one complete copy will suffice. The deposit of a copy or copies for any published or unpublished motion picture must be accompanied by a separate description of its contents, such as a continuity, pressbook, or synopsis. In any case where the deposit copy or copies required for registration of a motion picture cannot be viewed for examining purposes on equipment in the Examining Division of the Copyright Office, the description accompanying the deposit must comply with § 202.21(h) of these regulations. The Library of Congress may, at its sole discretion, enter into an agreement permitting the return of copies of published motion pictures to the depositor under certain conditions and establishing certain rights and obligations of the Library of Congress with respect to such copies. In the event

of termination of such an agreement by the Library, it shall not be subject to reinstatement, nor shall the depositor or any successor in interest of the depositor be entitled to any similar or subsequent agreement with the Library, unless at the sole discretion of the Library it would be in the best interests of the Library to reinstate the agreement or enter into a new agreement. In the case of unpublished motion pictures (including television transmission programs that have been fixed and transmitted to the public, but have not been published), the deposit of identifying material in compliance with § 202.21 of these regulations may be made and will suffice in lieu of an actual copy.

(iii) *Holograms.* In the case of any work deposited in the form of a three-dimensional hologram, the copy or copies shall be accompanied by:

(A) Precise instructions for displaying the image fixed in the hologram; and

(B) Photographs or other identifying material complying with § 202.21 of these regulations and clearly showing the displayed image.

The number of sets of instructions and identifying material shall be the same as the number of copies required. In the case of a work in the form of a two-dimensional hologram, the image of which is visible without the use of a machine or device, one actual copy of the work shall be deposited.

(iv) *Certain pictorial and graphic works.* In the case of any unpublished pictorial or graphic work, deposit of identifying material in compliance with § 202.21 of these regulations may be made and will suffice in lieu of deposit of an actual copy. In the case of a published pictorial or graphic work, deposit on one complete copy, or of identifying material in compliance with § 202.21 of these regulations, may be made and will suffice in lieu of deposit of two actual copies where an individual author is the owner of copyright, and either:

(A) Less than five copies of the work have been published; or

(B) The work has been published and sold or offered for sale in a limited edition consisting of no more than 300 numbered copies.

(v) *Commercial prints and labels.* In the case of prints, labels, and other advertising matter, including catalogs, published in connection with the rental, lease, lending, licensing, or sale of articles of merchandise, works of authorship, or services, the deposit of one complete copy will suffice in lieu of two copies. Where the print or label is

published in a larger work, such as a newspaper or other periodical, one copy of the entire page or pages upon which it appears may be submitted in lieu of the entire larger work. In the case of prints or labels physically inseparable from a three-dimensional object, identifying material complying with § 202.21 of these regulations must be submitted rather than an actual copy or copies except under the conditions of paragraph (c)(2)(xi)(B)(4) of this section.

(vi) *Tests.* In the case of tests, and answer material for tests, published separately from other literary works, the deposit of one complete copy will suffice in lieu of two copies. In the case of any secure test the Copyright Office will return the deposit to the applicant promptly after examination: Provided, That sufficient portions, description, or the like are retained so as to constitute a sufficient archival record of the deposit.

(vii) *Computer programs and databases embodied in machine-readable copies.* In cases where a computer program, database, compilation, statistical compendium or the like, if unpublished is fixed, or if published is published only in the form of machine-readable copies (such as magnetic tape or disks, punched cards, semiconductor chip products, or the like) from which the work cannot ordinarily be perceived except with the aid of a machine or device, the deposit shall consist of: (A) For published or unpublished computer programs, one copy of identifying portions of the program, reproduced in a form visually perceptible without the aid of a machine or device, either on paper or in microform. For these purposes, "identifying portions" shall mean either the first and last 25 pages or equivalent units of the program if reproduced on paper, or at least the first and last 25 pages or equivalent units of the program if reproduced in microform, together with the page or equivalent unit containing the copyright notice, if any. If the program is 50 pages or less, the required deposit will be the entire work. In the case of revised versions of such works, if the revisions occur throughout the entire computer program, the deposit of the first and last 25 pages will suffice; if the revisions are not contained in the first and last 25 pages, the deposit should consist of any 50 pages representative of the revised material.

(B) For published and unpublished automated databases, compilations, statistical compendia, and other literary works so fixed or published, one copy of identifying portions of the work, reproduced in a form visually perceptible without the aid of a machine or device, either on paper or in

microform. For these purposes: (1) "identifying portions" shall mean either the first and last 25 pages or equivalent units of the work if reproduced on paper, or at least the first and last 25 pages or equivalent units of work if reproduced in microform, or, in the case of automated databases comprising separate and distinct data files, representative portions of each separate data file consisting of either 50 complete data records from each file or the entire file, whichever is less; and (2) "data file" and "file" mean a group of data records pertaining to a common subject matter, regardless of the physical size of the records or the number of data items included in them. (In the case of revised versions of such databases, the portions deposited must contain representative data records which have been added or modified.) In any case where the deposit comprises representative portions of each separate file of an automated database as indicated above, it shall be accompanied by a typed or printed descriptive statement containing: The title of the database; the name and address of the copyright claimant; the name and content of each separate file within the database, including the subject matter involved, the origin(s) of the data, and the approximate number of individual records within the file; and a description of the exact contents of any machine-readable copyright notice employed in or with the work and the manner and frequency with which it is displayed (e.g., at user's terminal only at sign-on, or continuously on terminal display, or on printouts, etc.). If a visually perceptible copyright notice is placed on any copies of the work (such as magnetic tape reels or their container) a sample of such notice must also accompany the statement.

(viii) *Machine-readable copies of works other than computer programs and databases.* Where a literary, musical, pictorial, graphic, or audiovisual work, or a sound recording, except for literary works which are computer programs, databases, compilations, statistical compendia or the like, if unpublished has been fixed or, if published, has been published only in machine-readable form, the deposit must consist of identifying material. The type of identifying material submitted should generally be appropriate to the type of work embodied in machine-readable form, but in all cases should be that which best represents the copyrightable content of the work. In all cases the identifying material must include the title of the work. A synopsis may also be requested in addition to the other deposit materials as appropriate in

the discretion of the Copyright Office. In the case of any published work subject to this section, the identifying material must include a representation of the copyright notice, if one exists.

Identifying material requirements for certain types of works are specified below. In the case of the types of works listed below, the requirements specified shall apply except that, in any case where the specific requirements are not appropriate for a given work the form of the identifying material required will be determined by the Copyright Office in consultation with the applicant, but the Copyright Office will make the final determination of the acceptability of the identifying material.

(A) For pictorial or graphic works, the deposit shall consist of identifying material in compliance with § 202.21 of these regulations;

(B) For audiovisual works, the deposit shall consist of either a videotape of the work depicting representative portions of the copyrightable content, or a series of photographs or drawings, depicting representative portions of the work, plus in all cases a separate synopsis of the work;

(C) For musical compositions, the deposit shall consist of a transcription of the entire work such as a score, or a reproduction of the entire work on an audiocassette or other phonorecord;

(D) For sound recordings, the deposit shall consist of a reproduction of the entire work on an audiocassette or other phonorecord;

(E) For literary works, the deposit shall consist of a transcription of representative portions of the work including the first and last 25 pages or equivalent units, and five or more pages indicative of the remainder.

(ix) *Copies containing both visually-perceptible and machine-readable material.* Where a published literary work is embodied in copies containing both visually-perceptible and machine-readable material, the deposit shall consist of the visually-perceptible material and identifying portions of the machine-readable material.

(x) *Works reproduced in or on sheetlike materials.* In the case of any unpublished work that is fixed, or any published work that is published, only in the form of a two-dimensional reproduction on sheetlike materials such as textiles and other fabrics, wallpaper and similar commercial wall coverings, carpeting, floor tile, and similar commercial floor coverings, and wrapping paper and similar packaging material, the deposit shall consist of one copy in the form of an actual swatch or piece of such material sufficient to show all elements of the work in which

copyright is claimed and the copyright notice appearing on the work, if any. If the work consists of a repeated pictorial or graphic design, the complete design and at least part of one repetition must be shown. If the sheetlike material in or on which a published work has been reproduced has been embodied in or attached to a three-dimensional object, such as furniture, or any other three-dimensional manufactured article, and the work has been published only in that form, the deposit must consist of identifying material complying with § 202.21 of these regulations instead of a copy. If the sheet-like material in or on which a published work has been reproduced has been embodied in or attached to a two-dimensional object such as wearing apparel, bed linen, or a similar item, and the work has been published only in that form, the deposit must consist of identifying material complying with § 202.21 of these regulations instead of a copy unless the copy can be folded for storage in a form that does not exceed four inches in thickness.

(xi) *Works reproduced in or on three-dimensional objects.* (A) In the following cases the deposit must consist of identifying material complying with § 201.21 of these regulations instead of a copy or copies:

(1) Any three-dimensional sculptural work, including any illustration or formulation of artistic expression or information in three-dimensional form. Examples of such works include statues, carvings, ceramics, moldings, constructions, models, and maquettes; and

(2) Any two-dimensional or three-dimensional work that, if unpublished, has been fixed, or, if published, has been published only in or on jewelry, dolls, toys, games, except as provided in paragraph (c)(2)(xi)(B)(3) below, or any three-dimensional useful article.

(B) In the following cases the requirements of paragraph (c)(2)(xi)(A) of this section for the deposit of identifying material shall not apply:

(1) Three-dimensional cartographic representations of area, such as globes and relief models;

(2) Works that have been fixed or published in or on a useful article that comprises one of the elements of the unit of publication of an educational or instructional kit which also includes a literary or audiovisual work, a sound recording, or any combination of such works;

(3) Published games consisting of multiple parts that are packaged and published in a box or similar container with flat sides and with dimensions of no more than 12x24x6 inches;

(4) Works reproduced on three-dimensional containers or holders such as boxes, cases, and cartons, where the container or holder can be readily opened out, unfolded, slit at the corners, or in some other way made adaptable for flat storage, and the copy, when flattened, does not exceed 96 inches in any dimension; or

(5) Any three-dimensional sculptural work that, if unpublished, has been fixed, or, if published, has been published only in the form of jewelry cast in base metal which does not exceed four inches in any dimension.

(xii) *Soundtracks.* For separate registration of an unpublished work that is fixed, or a published work that is published, only as embodied in a soundtrack that is an integral part of a motion picture, the deposit of identifying material in compliance with § 202.21 of these regulations will suffice in lieu of an actual copy of the motion picture.

(xiii) *Oversize deposits.* In any case where the deposit otherwise required by this section exceeds 96 inches in any dimension, identifying material complying with § 202.21 of these regulations must be submitted instead of an actual copy or copies.

(xiv) *Pictorial advertising material.* In the case of published pictorial advertising material, except for advertising material published in connection with motion pictures, the deposit of either one copy as published or prepublication material consisting of camera-ready copy is acceptable.

(xv) *Contributions to collective works.* In the case of published contributions to collective works, the deposit of either one complete copy of the best edition of the entire collective work, the complete section containing the contribution if published in a newspaper, the entire page containing the contribution, the contribution cut from the paper in which it appeared, or a photocopy of the contribution itself as it was published in the collective work, will suffice in lieu of two complete copies of the entire collective work.

(xvi) *Phonorecords.* In any case where the deposit phonorecord or phonorecords submitted for registration of a claim to copyright is inaudible on audio playback devices in the Examining Division of the Copyright Office, the Office will seek an appropriate deposit in accordance with paragraph (d) of this section.

(d) *Special relief.* (1) In any case the Register of Copyrights may, after consultation with other appropriate officials of the Library of Congress and upon such conditions as the Register may determine after such consultation:

(i) Permit the deposit of one copy or phonorecord, or alternative identifying material, in lieu of the one or two copies or phonorecords otherwise required by paragraph (c)(1) of this section;

(ii) Permit the deposit of incomplete copies or phonorecords, or copies or phonorecords other than those normally comprising the best edition; or

(iii) Permit the deposit of an actual copy or copies, in lieu of the identifying material otherwise required by this section; or

(iv) Permit the deposit of identifying material which does not comply with § 202.21 of these regulations.

(2) Any decision as to whether to grant such special relief, and the conditions under which special relief is to be granted, shall be made by the Register of Copyrights after consultation with other appropriate officials of the Library of Congress, and shall be based upon the acquisition policies of the Library of Congress then in force and the archival and examining requirements of the Copyright Office.

(3) Requests for special relief under this paragraph may be combined with requests for special relief under § 202.19(e) of these regulations. Whether so combined or made solely under this paragraph, such requests shall be made in writing to the Chief, Examining Division of the Copyright Office, shall be signed by or on behalf of the person signing the application for registration, and shall set forth specific reasons why the request should be granted.

(4) The Register of Copyrights may, after consultation with other appropriate officials of the Library of Congress, terminate any ongoing or continuous grant of special relief. Notice of termination shall be given in writing and shall be sent to the individual person or organization to whom the grant of special relief had been given, at the last address shown in the records of the Copyright Office. A notice of termination may be given at any time, but it shall state a specific date of termination that is at least 30 days later than the date the notice is mailed. Termination shall not affect the validity of any deposit or registration made earlier under the grant of special relief.

(e) *Use of copies and phonorecords deposited for the Library of Congress.* Copies and phonorecords deposited for the Library of Congress under section 407 of title 17 and § 202.19 of these regulations may be used to satisfy the deposit provisions of this section if they are accompanied by an application for registration of claim to copyright in the work represented by the deposit, and either a registration fee or a deposit account number on the application.

§ 202.21 Deposit of identifying material instead of copies.

(a) *General.* Subject to the specific provisions of paragraphs (f) and (g) of this section, and to §§ 202.19(e)(1)(iv) and 202.20(d)(1)(iv), in any case where the deposit of identifying material is permitted or required under § 202.19 or § 202.20 of these regulations for published or unpublished works, the material shall consist of photographic prints, transparencies, photostats, drawings, or similar two-dimensional reproductions or renderings of the work, in a form visually perceivable without the aid of a machine or device. In the case of pictorial or graphic works, such material should reproduce the actual colors employed in the work. In all other cases, such material may be in black and white or may consist of a reproduction of the actual colors.

(b) *Completeness; number of sets.* As many pieces of identifying material as are necessary to show the entire copyrightable content in the ordinary case, but in no case less than an adequate representation of such content, of the work for which deposit is being made, or for which registration is being sought shall be submitted. Except in cases falling under the provisions of § 202.19(d)(2)(iii) or § 202.20(c)(2)(iii) with respect to holograms, only one set of such complete identifying material is required.

(c) *Size.* Photographic transparencies must be at least 35mm in size and, if such transparencies are 3x3 inches or less, must be fixed in cardboard, plastic, or similar mounts to facilitate identification, handling, and storage. The Copyright Office prefers that transparencies larger than 3x3 inches be mounted in a way that facilitates their handling and preservation, and reserves the right to require such mounting in particular cases. All types of identifying material other than photographic transparencies must be not less than 3x3 inches and not more than 9x12 inches, but preferably 8x10 inches. Except in the case of transparencies, the image of the work must be either lifesize or larger, or if less than lifesize must be large enough to show clearly the entire copyrightable content of the work.

(d) *Title and dimensions.* At least one piece of identifying material must, on its front, back, or mount, indicate the title of the work; and the indication of an exact measurement of one or more dimensions of the work is preferred.

(e) *Copyright notice.* In the case of works published with notice of copyright, the notice and its position on the work must be clearly shown on at least one piece of identifying material. Where necessary because of the size or

position of the notice, a separate drawing or similar reproduction shall be submitted. Such reproduction shall be no smaller than 3x3 inches and no larger than 9x12 inches, and shall show the exact appearance and content of the notice, and its specific position on the work.

(f) For separate registration of an unpublished work that is fixed, or a published work that is published, only as embodied in a soundtrack that is an integral part of a motion picture, identifying material deposited in lieu of an actual copy of the motion picture shall consist of:

(1) A transcription of the entire work, or a reproduction of the entire work on a phonorecord; and

(2) Photographs or other reproductions from the motion picture showing the title of the motion picture, the soundtrack credits, and the copyright notice for the soundtrack, if any.

The provisions of paragraphs (b), (c), (d), and (e) of this section do not apply to identifying material deposited under this paragraph (f).

(g) (1) In the case of unpublished motion pictures (including transmission programs that have been fixed and transmitted to the public, but have not been published), identifying material deposited in lieu of an actual copy shall consist of either:

(i) An audio cassette or other phonorecord reproducing the entire soundtrack or other sound portion of the motion picture, and description of the motion picture; or

(ii) A set consisting of one frame enlargement or similar visual reproduction from each 10-minute segment of the motion picture, and a description of the motion picture.

(2) In either case the "description" may be a continuity, a pressbook, or a synopsis but in all cases it must include:

(i) The title or continuing title of the work, and the episode title, if any;

(ii) The nature and general content of the program;

(iii) The date when the work was first fixed and whether or not fixation was simultaneous with first transmission;

(iv) The date of first transmission, if any;

(v) The running time; and

(vi) The credits appearing on the work, if any.

(3) The provisions of paragraphs (b), (c), (d), and (e) of this section do not apply to identifying material submitted under this paragraph (g).

(h) In the case where the deposit copy or copies of a motion picture cannot be viewed for examining purposes on equipment in the Examining Division of

the Copyright Office, the "description" required by §202.20(c)(2)(ii) of these regulations may be a continuity, a press-book, a synopsis, or a final shooting script but in all cases must be sufficient to indicate the copyrightable material in the work and include

- (1) The continuing title of the work and the episode title, if any;
- (2) The nature and general content of the program and of its dialogue or narration, if any;
- (3) The running time; and
- (4) All credits appearing on the work including the copyright notice, if any. The provisions of paragraphs (b), (c), and (d) of this section do not apply to identifying material submitted under this paragraph (h).

Dated: February 7, 1986.

Ralph Oman,

Register of Copyrights.

Approved:

Daniel J. Boorstin,

The Librarian of Congress.

[FR Doc. 86-3638 Filed 2-21-86; 8:45 am]

BILLING CODE 1410-01-M

VETERANS ADMINISTRATION

38 CFR Part 3

Active Military Service Certification

AGENCY: Veterans Administration.

ACTION: Final Regulation Amendment.

SUMMARY: The Veterans Administration (VA) has amended its regulation concerning persons who are included as having served on active duty. The need for this action results from a recent decision of the Secretary of the Air Force, acting in accordance with authority delegated to him by the Secretary of Defense, that the service of members of the group known as the United States Merchant Seamen Who Served on Blockships in Support of Operation Mulberry constitutes active military service in the Armed Forces of the United States for purposes of all laws administered by the Veterans Administration. Under section 401 of Pub. L. 95-202, GI Bill Improvement Act of 1977, the effect of this action was to confer veteran status for VA benefit purposes on former members of that group who were discharged under honorable conditions.

DATE: This amendment is effective October 18, 1985, the date that the Secretary of the Air Force held that such service constitutes active duty.

FOR FURTHER INFORMATION CONTACT: Robert M. White (211B), Chief,

Regulations Staff, Compensation and Pension Service, Department of Veterans Benefits, Veterans Administration, 810 Vermont Avenue, NW, Washington, DC 20420 (202) 389-3005.

SUPPLEMENTARY INFORMATION: Pursuant to 38 CFR 1.12(b) the Veterans Administration finds that prior publication of this change for public notice and comment is impracticable and unnecessary. The Veterans Administration has no discretion in this matter. The decision of the Secretary of the Air Force concerning active duty status is binding on the Veterans Administration. Consequently, a proposed notice will not be published. For this reason, this change is also not subject to the Regulatory Flexibility Act, 5 U.S.C. 601-612, since it does not come within the term "rule" as defined in that act.

In accordance with Executive Order 12291, Federal Regulation, we have determined that this regulation change is non-major for the following reasons:

- (1) It will not have an annual effect on the economy of \$100 million or more.
- (2) It will not cause a major increase in costs or prices.
- (3) It will not have significant adverse effects on competition, employment, investment, productivity, innovation, or on the ability of United States-based enterprises to compete with foreign-based enterprises in domestic or export markets.

List of Subjects in 38 CFR Part 3

Administrative practice and procedure, Claims, Handicapped, Health care, Pensions, Veterans.

There is no affected Catalog of Federal Domestic Assistance program number.

Approved: January 31, 1986.

Everett Alvarez, Jr.,

Acting Administrator.

38 CFR Part 3, *Adjudication*, is amended by adding paragraph (x)(14) to § 3.7 to read as follows:

§ 3.7 Persons included.

* * *

(x) * * *

(14) United States Merchant Seamen Who Served on Blockships in Support of Operation Mulberry. (Pub. L. 95-202, sec. 401)

[FR Doc. 86-3901 Filed 2-21-86; 8:45 am]

BILLING CODE 8320-01-M

38 CFR Part 4

Disabilities Rating Schedules for Bilateral Blindness and Multiple Losses of Extremities

AGENCY: Veterans Administration.

ACTION: Final rule.

SUMMARY: Legislative enactments have provided for a more equitable assessment of special monthly compensation for veterans suffering from anatomical loss and loss of use of extremities; severe loss of vision, and veterans with combined vision and hearing impairments. Section 3.350, title 38, Code of Federal Regulations has been amended to reflect these recent enactments. The corresponding tables in 38 CFR Part 4 are amended by this final rule to conform to Part 3.

DATES: Table II incorporated in 38 CFR 4.71a, concerning anatomical loss and loss of use of extremities, is retroactively effective from October 1, 1981 in accordance with Pub. L. 97-66. Table IV incorporated in 38 CFR 4.85a, concerning loss of vision, and combined vision and hearing impairments, is retroactively effective from October 1, 1983 in accordance with Pub. L. 98-223.

FOR FURTHER INFORMATION CONTACT: Lawrence Wheeler, Compensation and Pension Staff (211B), Department of Veterans Benefits, (202) 389-2635.

SUPPLEMENTARY INFORMATION: On pages 24549-52 of the Federal Register dated June 7, 1982, final rules amending 38 CFR Part 3 were published implementing Pub. L. 97-66; and on pages 47002-04 of the Federal Register dated November 30, 1984, final rules were published implementing Pub. L. 98-223. These rules, implementing the two respective public laws provided for a more equitable assessment in the special monthly compensation payable to veterans having multiple loss of extremities, or bilateral blindness or blindness combined with hearing loss. No comments were received on either of the above published final rules.

Changes to 38 CFR § 3.350 have been promulgated to implement Pub. L. 97-66 and 98-223. The effect of this amendment is to change 38 CFR 4.71a and 4.84a so that the tables therein conform to 38 CFR 3.350.

Pursuant to 38 CFR 1.12 the Veterans Administration finds that prior publication of these changes for public notice and comment is not required and is unnecessary. These changes simply incorporate in tabular form certain substantive changes in 38 CFR § 3.350 which have already been published for notice and comment. Consequently, a

proposed notice will not be published. For this reason, these changes are also not subject to the Regulatory Flexibility Act, 5 U.S.C. 601-612, since they do not come within the term "rule" as defined in that Act.

In accordance with Executive Order 12291, Federal Regulation, the VA has determined that these changes are non-major for the following reasons:

(1) They will not have an effect on the economy of \$100 million or more;

(2) They will not cause a major increase in costs or prices;

(3) They will not have significant adverse effects on competition, employment, investment, productivity, innovation, or on the ability of United States-based enterprises to compete with foreign-based enterprises in domestic or export markets.

List of Subjects in 38 CFR Part 4

Administrative practice and

procedure, Claims, Handicapped, Health care, Pensions, Veterans.

The Catalog of Federal Domestic Assistance program number is 64.109.

Approved: January 29, 1986.

Everett Alvarez, Jr.,

Acting Administrator.

38 CFR Part 4, Schedule for Rating Disabilities, is amended as follows:

1. Section 4.71a is amended by revising Table II to read as follows:

§ 4.71a Schedule of ratings—musculoskeletal system.

TABLE II.—RATINGS FOR MULTIPLE LOSSES OF EXTREMITIES WITH DICTATOR'S RATING CODE AND 38 CFR CITATION

Impairment of one extremity	Impairment of other extremity					
	Anatomical loss or loss of use below elbow	Anatomical loss or loss of use below knee	Anatomical loss or loss of use above elbow (preventing use of prosthesis)	Anatomical loss or loss of use above knee (preventing use of prosthesis)	Anatomical loss near shoulder (preventing use of prosthesis)	Anatomical loss near hip (preventing use of prosthesis)
Anatomical loss or loss of use below elbow.	M Codes M-1 a, b, or c, 38 CFR 3.350 (c)(1)(i).	L Codes L-1 d, e, f, or g, 38 CFR 3.350(b).	M ½ Code M-5, 38 CFR 3.350 (f)(1)(x).	L ½ Code L-2 c, 38 CFR 3.350 (f)(1)(vi).	N Code N-3, 38 CFR 3.350 (f)(1)(xi).	M Code M-3 c, 38 CFR 3.350 (f)(1)(viii).
Anatomical loss or loss of use below knee.		L Codes L-1 a, b, or c, 38 CFR 3.350(b).	L ½ Code L-2 b, 38 CFR 3.350 (f)(1)(iii).	L ½ Code L-2 a, 38 CFR 3.350 (f)(1)(i).	M Code M-3 b, 38 CFR 3.350 (f)(1)(iv).	M Code M-3 a, 38 CFR 3.350 (f)(1)(ii).
Anatomical loss or loss of use above elbow (preventing use of prosthesis).			N Code N-1, 38 CFR 3.350 (d)(1).	M Code M-2 a, 38 CFR 3.350 (c)(1)(iii).	N ½ Code N-4, 38 CFR 3.350 (f)(1)(ix).	M ½ Code M-4 c, 38 CFR 3.350 (f)(1)(xii).
Anatomical loss or loss of use above knee (preventing use of prosthesis).				M Code M-2 a, 38 CFR 3.350 (c)(1)(iii).	M ½ Code M-4 b, 38 CFR 3.350 (f)(1)(vii).	M ½ Code M-4 a, 38 CFR 3.350 (f)(1)(v).
Anatomical loss near shoulder (preventing use of prosthesis).					O Code O-1, 38 CFR 3.350 (e)(1)(f).	N Code N-2 b, 38 CFR 3.350 (d)(3).
Anatomical loss near hip (preventing use of prosthesis).						N Code N-2 a, 38 CFR 3.350 (d)(2).

NOTE.—Need for aid attendance or permanently bedridden qualifies for subpar. L Code L-1 h, i (38 CFR 3.350(b)). Paraplegia with loss of use of both lower extremities and loss of anal and bladder sphincter control qualifies for subpar. O Code O-2 (38 CFR 3.350(e)(2)). Where there are additional disabilities rated 50% or 100%, or anatomical or loss of use of a third extremity see 38 CFR 3.350(f) (3), (4) or (5).

(38 U.S.C. 315; Pub. L. 97-66)

2. Section 4.84a is amended by revising Table IV to read as follows:

§ 4.84a Schedule of ratings—eye.

TABLE IV.—TABLE FOR RATING BILATERAL BLINDNESS OR BLINDNESS COMBINED WITH HEARING LOSS WITH DICTATOR'S CODE AND 38 CFR CITATIONS

Vision one eye	Vision other eye			Plus service-connected Hearing loss				
	5/200 (1.5/60) or less	Light perception only	No light perception or anatomical loss	Total deafness one ear	10% or 20% at least one ear SC	30% at least one ear SC	40% at least one ear SC	60% or more at least one ear SC
5/200 (1.5/60) or less.	L ½ Code LB-1 38 CFR 3.350(b)(2).	L + ½ 1 Code LB-2 38 CFR 3.350(f)(2)(i).	M Code MB-2 a or b 38 CFR 3.350(f)(2)(ii).	Add ½ step Code PB-1 38 CFR 3.350(f)(2)(iv).	No additional SMC.	Add a full step Code PB-3 38 CFR 3.350(f)(2)(vi).	Add a full step Code PB-3 38 CFR 3.350(f)(2)(vi).	O Code OB-1 38 CFR 3.350(e)(1)(iii).
Light perception only.		M Code MB-1 a 38 CFR 3.350(c)(1)(iv).	M + ½ Code MB-3 a or b 38 CFR 3.350(f)(iii).	O Code OB-2 38 CFR 3.350(e)(1)(iv).	Add ½ step Code PB-2 38 CFR 3.350(f)(2)(v).	Add a full step Code PB-3 38 CFR 3.350(f)(2)(vi).	O Code OB-2 38 CFR 3.350(e)(1)(iv).	O Code OB-1 38 CFR 3.350(e)(1)(iii).
No light perception or anatomical loss.			N Code NB-1 a-b or c 38 CFR 3.350(d)(4).	O Code OB-2 38 CFR 3.350(e)(1)(iv).	Add ½ step Code PB-2 38 CFR 3.350(f)(2)(v).	Add full step Code PB-3 38 CFR 3.350(f)(2)(vi).	O Code OB-2 38 CFR 3.350(e)(1)(iv).	O Code OB-1 38 CFR 3.350(e)(1)(iii).

1 With need for aid and attendance qualifies for Subpar. m. code MB-1, b; 38 CFR 3.350(c)(1)(v).

NOTE.—(1) Any of the additional SMC payable under Dictator's Codes PB-1, PB-2, or PB-3 is not to exceed the rate payable under Subpar. O. (2) If in addition to any of the above the veteran has the service-connected loss or loss of use of an extremity, additional SMC is payable, not to exceed the rate payable under Subpar. O. See Dictator's Codes PB-4, PB-5, PB-6, and 38 CFR 3.350(f)(2)(vii) (A), (B), (C).

(38 U.S.C. 315; Pub. L. 98-223)

[FR Doc. 86-3902 Filed 2-21-86; 8:45 am]

BILLING CODE 8320-01-M

38 CFR Part 21**Veterans Education; Measurement of Undergraduate Courses****AGENCY:** Veterans Administration.**ACTION:** Final regulation.

SUMMARY: Title 38 of the Code of Federal Regulations has permitted VA to measure, in a number of ways, undergraduate courses which have fewer than one 50-minute class sessions per week per hour of credit. One of these ways required the VA to estimate the quality of the course. The VA does not believe it should be estimating the quality of courses for measurement purposes. This final regulation rescinds the portion of the regulations which permitted the agency to do so.

EFFECTIVE DATE: March 1, 1986.

FOR FURTHER INFORMATION CONTACT: June C. Schaeffer, Assistant Director for Policy and Program Administration, Education Service (225), Department of Veterans Benefits, Veterans Administration, 810 Vermont Avenue, NW, Washington, DC 20420, (202) 389-2092.

SUPPLEMENTARY INFORMATION: On pages 42191 and 42192 of the Federal Register of October 18, 1985, there was published a notice of intent to amend Part 21 to eliminate from VA consideration, the quality of a course when the agency determines how to measure the training of veterans and eligible persons enrolled in it. Interested persons were given 28 days to submit comments, suggestions or objections.

The VA received two letters. One was from a college official. The other was from an educational organization. Both supported the proposal. Accordingly, the VA is making the amended regulation final.

The VA has determined that this regulation is not a major rule as that term is defined by E.O. 12291, entitled Federal Regulation. The regulation will not cause a major increase in costs or prices for anyone. It will have no significant adverse effects on competition, employment, investment, productivity, innovation or on the ability of United States-based enterprises to compete with foreign-based enterprises in domestic or export markets.

The Administrator of Veterans' Affairs certifies that this amended regulation will not have a significant

economic impact on a substantial number of small entities as they are defined in the Regulatory Flexibility Act (RFA), 5 U.S.C. 601-612. Pursuant to 5 U.S.C. 605(b), the amended regulation, therefore, is exempt from the initial and final regulatory flexibility analyses requirements of sections 603 and 604. This certification can be made because this regulation removes a potential, but not an actual, information collection burden from schools, since the VA has never implemented this authority. Any economic impact it may have on small entities would be favorable, but not economically significant.

The Catalog of Federal Domestic Assistance numbers for the program affected by this regulation are 64.111, 64.117 and 64.120.

List of Subjects in 38 CFR Part 21

Civil rights, Claims, Education, Grant programs-education, Loan programs-education, Reporting and recordkeeping requirements, Schools, Veterans, Vocational education, Vocational rehabilitation.

Approved: January 30, 1986.

Everett Alvarez, Jr.,
Acting Administrator.

PART 21—[AMENDED]

38 CFR Part 21. VOCATIONAL REHABILITATION AND EDUCATION, is amended by revising § 21.4272(f)(2) introductory text and (f)(2)(i) to read as follows:

§ 21.4272 Collegiate undergraduate, credit-hour basis.

(f) *Course measurement, insufficient standard class sessions.*

(2) When a course includes one or more weeks with more than one regularly scheduled class for every 2 credit hours, but less than one regularly scheduled class session for each credit hour.

(i) The VA will determine training time for those weeks by using the table in § 21.4270(b) without adjustment when the published accrediting standards of the accrediting agency that accredits the course or the educational institution offering the course permit a class session which is somewhat shorter than that stated in § 21.4200(g) while requiring an overall level of educational pursuit that approximates the level required by courses offered on a standard quarter- or semester-hour basis. (38 U.S.C. 1788(b))

[FR Doc. 86-3904 Filed 2-21-86; 8:45 am]

BILLING CODE 8320-01-M

38 CFR Part 21**Veterans Education; Extension of the Emergency Veterans' Job Training Act****AGENCY:** Veterans Administration.**ACTION:** Final regulations.

SUMMARY: The Emergency Veterans' Job Training Act has been amended. The Act contains a deadline for beginning training programs under the Act. The amendment changes the date from September 1, 1985 to July 1, 1986. The regulation which concerns this part of the law is amended accordingly.

EFFECTIVE DATE: September 30, 1985.

FOR FURTHER INFORMATION CONTACT: June C. Schaeffer (225), Assistant Director for Policy and Program Administration, Education Service, Department of Veterans Benefits, Veterans Administration, 810 Vermont Avenue NW, Washington, DC 20420, (202) 389-2092.

SUPPLEMENTARY INFORMATION: Public Law 99-108 changed the deadline for beginning a program of training under the Emergency Veterans' Job Training Act from September 1, 1985 to July 1, 1986. 38 CFR 21.4632 is amended to bring it into agreement with the law.

The VA finds that good cause exists for making this regulation final without previous publication of a notice of proposed rulemaking. The change contained in this regulation is directly based upon the law. The VA must make the Code of Federal Regulations agree with the law. Public participation in this rulemaking is, therefore, unnecessary. Since a Notice of Proposed Rulemaking is unnecessary and will not be published, this change does not come within the term "rule" as defined in the Regulatory Flexibility Act (RFA), 5 U.S.C. 601(2), and is therefore not subject to the requirements of that Act.

Nevertheless, this regulation will not have a significant economic impact on a substantial number of small entities as they are defined in the RFA, 5 U.S.C. 601-602. Although small entities will be affected by the extension of the Emergency Veterans' Job Training Act, all the effects will derive from the change in the law upon which the regulation is based. The regulation itself will have no effect upon small entities.

The VA has determined that this regulation does not contain a major rule as that term is defined by E.O. 12291, entitled Federal Regulation. The regulation will not have a \$100 million annual effect on the economy, and will not cause a major increase in costs or prices for anyone. It will have no significant adverse effects on